

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Alvertis Isbell d/b/a Alvert Music,

Plaintiff,

v.

DM Records, Inc.,

Defendant.

Case No. 4:07-cv-00146-RAS
(Judge Schell/Judge Bush)

ELECTION OF DAMAGES

Plaintiff, Alvertis Isbell d/b/a Alvert Music (“Alvert”) hereby gives notice of his election of actual or statutory damages as follows:

1. With respect to “Whoomp! (There It Is),” Alvert elects the actual damages/profits awarded by the jury.
2. With respect to “Dazzey Duks,” Alvert elects the statutory damages awarded by the jury.

Dated: September 19, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2012 I electronically filed the foregoing document and attachments with the Clerk of the Court using the ECF System which sent notification of such filing to the following:

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